

PATENT
IBM Docket No. RSW9-2001-0038US1

Remarks

In the Office action mailed December 23, 2003, claims 1, 3-6, 9-10 and 13 were rejected under 35 USC 103(a) as being unpatentable over US patent 5,710,574 - Jaaskelainen Jr (hereafter *Jaaskelainen*) in view of US patent 5,710,574 - Rosenberg et al (hereafter *Rosenberg*) while the remaining claims were rejected under 35 USC 103(a) over *Jaaskelainen* and *Rosenberg* in further view of admitted prior art.

It is submitted that these rejections are improper and should be withdrawn.

The claims of the *Jaaskelainen* patent are directed to positioning a graphical pointer displayed within a display device. A major component of all of the claims is defining the relationship between a displayed widget and a graphical pointer such as a mouse cursor. In *Jaaskelainen*, the interaction between the graphical pointer and the displayed widget is established by defining the pointer "speed" (the ratio of on-screen movement to physical movement of the pointer controller) for certain regions of the screen. Every widget appears to have a predefined core area surrounded by a predetermined perimeter area. *Jaaskelainen* permits a user to control the pointer speed independently within these regions on a widget-by-widget basis.

While *Jaaskelainen* teaches the concept of varying pointer behavior within predefined areas surrounding a displayed widget, there is nothing in *Jaaskelainen* that can fairly be said to teach the idea of varying the size of the core or perimeter areas to extend or contract the size of the zone within which the pointer/widget interaction is defined.

The Office action itself admits this when it notes:

09/855,365(RSW9-2001-0038US1)

- 6 -

PATENT
IBM Docket No. RSW9-2001-0038US1

"Jaaskelainen fails to teach the limitations of selecting a mass associated with the widget and consequently determining the force boundary circumscribing the widget as a function of the mass."

The Office action attempts to overcome this admitted deficiency in *Jaaskelainen* through the use of the following 10 lines of text lifted from the middle of an approximately 7300 line long technical description in *Rosenberg*:

"The m parameter indicates a simulated mass of the user object which can be applied in the physical model for computing gravitational or inertial forces on the user object, for example. A condition command as provided above can be used for each provided degree of freedom of user object 34; for example, COND_X can provide the condition forces in the degree of freedom about the x-axis. The command can implement the restoring force, restoring spring force, sluggish force, and unstable force by adjusting the various command parameters."

It is a well known tenet of patent law that it is improper to combine the teachings of references unless there is something in the references themselves to suggest a reason for the combination. The undersigned attorney won't waste the examiner's time by citing and discussing references that support that tenet.

There is nothing in either *Jaaskelainen* or *Rosenberg* to suggest how the teachings of those two references could be combined or why they should be combined. *Jaaskelainen* deals with defining how an on-screen pointer interacts with a displayed widget when the pointer is within either a predefined core or a predefined perimeter zone for the displayed widget. *Rosenberg* deals with defining force feedback provided through a joystick or other device. Note

PATENT
IBM Docket No. RSW9-2001-0038US1

that the “user object” referred to in the above quote is not a displayed widget. The bolded language in the quote makes it clear that the user object is actually the joystick or other physical controller. Other parts of the specification also make that clear; for example, *Rosenberg* column 29, lines 24+, where it is said: “*Object 34 is a joystick . . . * * * Alternatively, other types of objects 34 can be used in the place of the joystick*”

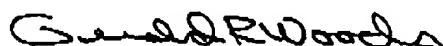
The *Jaaskelainen* patent relates to the design of graphical user interfaces (GUIs) displayed on a displayed device. The *Rosenberg* patent relates to the design of joysticks and possible other physical controllers. A GUI designer of ordinary skill in the art, faced with the problem of defining the GUI, wouldn’t even consider looking at joystick design technology in attempting to solve a GUI problem.

Even if it assumed for purposes of argument, that such a GUI designer did decide to look at *Rosenberg*, there is nothing in either *Jaaskelainen* or *Rosenberg* to suggest how *Rosenberg*’s reference to “simulated mass” would be relevant to (let alone helpful) the process of defining a GUI widget. *Rosenberg* has nothing to do with designing GUI widgets and cannot reasonably be said to teach “ . . . selecting a mass associated with the widget and consequently determining the force boundary circumscribing the widget as a function of the mass.”

PATENT
IBM Docket No. RSW9-2001-0038US1

The purported combination of *Jaaskelainen* and *Rosenberg* is clearly inappropriate. It should be withdrawn and the claims passed to issue in their present form.

Respectfully Submitted,



Gerald R. Woods, Reg. No. 24,144
Attorney of Record

IBM Corporation
T81/503
PO Box 12195
Research Triangle Park, NC 27709
919-(919) 543 - 7204
FAX 919-254-4330

09/855,365(RSW9-2001-0038US1)

- 9 -